

Appl. No. 09/683,660
Amdt. dated October 30, 2007
Reply to Office Action of July 3, 2007

Remarks

The present response replies to the final Official Action dated July 3, 2007. A petition for a one month extension of time and authorization to charge our credit card the one month extension fee of \$120 accompany this amendment. The final Official Action rejected claims 1-19 under 35 U.S.C. 102(e) as anticipated by Sellers U.S. Publication No. 2003/0044773 (Sellers).

This sole ground of rejection is addressed below. Claims 1-19 are presently pending.

Interview Summary

On October 30, 2007, a telephone interview was begun with Examiner Ali and Primary Examiner Dass, and the undersigned. As summarized in the Applicant Initiated Interview Request Form file by facsimile On October 18, 2007, the undersigned asked the Examiners to consider the Evidence Establishing Common Ownership filed with the Applicant Initiated Interview Request Form and that the claims were not properly rejected under Section 102(e) so that Sellers should not be considered for purposes of obviousness under 102(e)/103. The interview continued with S.P.E. Abdi joining the discussion. S.P.E. Abdi suggested that applicants' arguments be submitted in writing and this response follows that suggestion. The previously submitted Evidence of Common Ownership is enclosed herewith for ease of reference.

The Art Rejections

All of the art rejections hinge on the application of Sellers, standing alone. As addressed in greater detail below, Sellers does not support the Official Action's reading of it and the anticipation rejection based thereupon should be reconsidered and withdrawn. Further, the

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Applicants do not acquiesce in the analysis of Sellers made by the Official Action and respectfully traverse the Official Action's analysis underlying its rejection.

The final Official Action rejected claims 1-19 under 35 U.S.C. 102(e) as anticipated by Sellers. In light of the previous amendments to claims 1 and 13, this ground of rejection is respectfully traversed.

Claim 1, as amended, requires that "creation of each new delinquency information entry **resulting in transmission of an initial report of delinquency of a specified mortgage from a mortgage servicer to a mortgage insurer**". (emphasis added)

This limitation of claim 1 is not taught by Sellers. Sellers teaches a system for submission and automated analysis of negotiated workout proposals for a financially troubled borrower. A workout proposal typically arises when a mortgage is already delinquent, and Sellers does not explicitly address **initial reporting of a delinquency**. (emphasis added)

In the analysis of the claimed "delinquency manager" of claim 1, the final Official Action refers to paragraphs [0055], [0031] and [0026], as well as paragraphs [0025], [0028] and [0032-0035] of Sellers. After reciting the language cited above "creation of each new delinquency . . .", the final Official Action specifically refers to paragraphs [0031] and [0026] which are quoted below in their entirety:

[0031] In the present embodiment of the invention, the e-LMO Fast Track system is implemented using forms and functions 56 that have been created using a template-based application. These forms and functions 56 are used in the transmission of data between the personal computers 12 on the Internet and the web server computer 50. As described below, the forms and functions 56 have access to a database

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58 and other information required in determining whether a proposed workout is acceptable.

[0026] At present, workout recommendations from loan servicers are sent to mortgage institutions as a hard copy or as a faxed workout package. This package is subsequently reviewed by a mortgage workout representative. Decisions and negotiated terms are communicated back to the loan servicer by phone and written confirmation. The e-LMO Fast Track system enables a loan servicer to submit workout recommendations over the Internet, or another network connection, with a minimum of data and no hard copy of the workout package. If the mortgage insurer's predetermined workout parameters are met, the servicer will receive automatic approval and an approval letter over the Internet. If the workout parameters are not met, the loan servicer is offered alternate options including but not limited to choosing another workout or sending in a full package for in-house review.

These two paragraphs do not even use the words "delinquency" or "delinquent" much less address the claimed "transmission of an initial report of delinquency" upon "creation of each new delinquency information entry".

Similarly, Sellers paragraphs [0055], [0025], [0032], [0034] and [0035] do not include the words "delinquent" or "delinquency". Paragraph [0033] describes FIG. 4 very briefly stating "this portion of the website includes four services" including "Delinquency Reporting and Claims 76" a block in FIG. 4 without any further explanation. This brief reference does not anticipate the claimed limitation.

Rather, Sellers focuses with how to deal with a mortgage that has typically been delinquent for some time. Sellers does not teach and does not make obvious creating a new mortgage delinquency entry resulting in transmission of an initial report from a servicer to a

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mortgage insurer, with the mortgage delinquency entry identifying a property for which a mortgage is in delinquent status and details of the nature and status of the mortgage, as is claimed by claim 1.

Sellers, at col. 3, paragraph [0047], discusses the appearance of a screen including prefilled data entry boxes including borrower information, and the ability of a user to modify the information entered into the boxes, but the prefilled contents of the boxes are taken from information already present, and Sellers does not discuss details of the initial entry of the information. Submission of a new delinquency entry, as claimed by claim 1 with the entry including details relating to the property and the delinquency status, provides for convenient and timely submission of delinquency information to a mortgage insurer, allowing the insurer to take appropriate steps to minimize loss, as opposed to Sellers, which is directed toward a mechanism for responding to a delinquency once it has been reported. To sum up, claim 1 is not anticipated by Sellers.

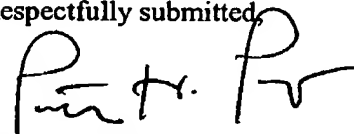
Claim 13, as previously amended, also requires **"creation of a new delinquency information entry resulting in transmission of initial notification of a delinquency to a mortgage insurer"**. (emphasis added) As discussed above with respect to claim 1, this claimed feature of claim 13 is not anticipated by Sellers.

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Conclusion

The present claims are not anticipated by Sellers, and if Sellers does not anticipate, it cannot be relied upon under Section 102(e)/103 as it was and is commonly owned with the present application.

Respectfully submitted,



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109.0026
Delinquency Reporting on the Web (DOW)

OCT 30 2007**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Cleary et al.
Serial No.: 09/683,660
Filed: January 31, 2002
For: METHODS AND APPARATUS FOR ELECTRONIC REPORTING OF
MORTGAGE DELINQUENCY
Group: 3609
Examiner: Ali, Mohamed Hatem

Durham, North Carolina
October 18, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EVIDENCE ESTABLISHING COMMON OWNERSHIP

Dear Sirs:

The present application, U.S. Application Serial No. 09/683,660 was filed January 31, 2002. U.S. Application Serial No. 09/909,439 (Sellers) was filed July 19, 2001.

The sole grounds for rejecting claims 1-19 was a Section 102(e) rejection based on Sellers.

Sellers was commonly owned with the present invention at the time the present invention was made. Under MPEP § 706.02(l)(1), with a showing of common ownership, Sellers cannot be relied upon as prior art under 35 U.S.C. 102(e)/103.

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Evidence Showing Common Ownership
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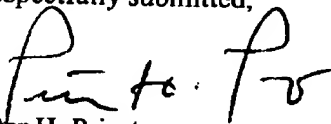
As described in MPEP § 706.02(l)(2), the rule permits the necessary showing to be made by the files referring to assignments which are recorded in the Patent and Trademark Office in accordance with 37 CFR Part 3 as long as the assignments conveyed the entire rights in the application to the same person or organization. MPEP page 700-22.

Here, the entire rights in the present application, U.S. Serial No. 09/683,660 were assigned to GE Mortgage Holdings, LLC by the assignment recorded at Reel 012755 and Frame 0746. Similarly the entire rights in U.S. Serial No. 09/909,439 were assigned to GE Mortgage Holdings, LLC by the assignment recorded at Reel 012585 and Frame 0604.

Conclusion

While Sellers is presently relied upon under 35 U.S.C. § 102(e), it does not meet the terms of the claims as previously amended. It cannot be relied upon under 35 U.S.C. 103 and consequently prompt allowance of the present claims are respectfully requested.

Respectfully submitted,



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